

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
STATESBORO DIVISION**

TONYA THOMPSON,	)	
	)	
Plaintiff,	)	
v.	)	CIVIL ACTION
	)	FILE NO. <u>CV 621-079</u>
HOBBY LOBBY STORES, INC. and	)	
STATESBORO CROSSING SHOPPING	)	
CENTER, LLC,	)	
	)	
Defendants.	)	

**NOTICE OF REMOVAL**

COMES NOW, HOBBY LOBBY STORES, INC. (hereinafter, “Hobby Lobby”) ( “Defendant” herein), name Defendant in the above-styled action, and petitions this Court for removal of the action herein from the Superior Court of Bulloch County to the United States District Court for the Southern District of Georgia, Statesboro Division, and respectfully shows the Court as follows:

1.

Plaintiff filed a civil action in the Superior Court of Bulloch County which is styled as follows: *Tonya Thompson v. Hobby Lobby Stores Inc. and Statesboro Crossing Shopping Center LLC*; Civil Action File No. SUCV2021000269. (True and correct copies of all process and pleadings received by counsel for Defendants in such action are attached hereto and incorporated herein as Exhibit “A”). Defendants are filing an answer to Plaintiff’s Complaint and Demand for Trial by Jury (the “Complaint”) contemporaneously herewith, within the time permitted by Federal Rule of Civil Procedure 81(c).

2.

Plaintiff filed the Complaint with the Superior Court of Bulloch County on August 27, 2021. (*See Complaint, generally*).

3.

The incident that forms the basis of Plaintiff's Complaint occurred in Bulloch County, Georgia. (*See Complaint, generally*).

4.

This removal is timely because it has been filed within thirty (30) days after receipt by Defendant Hobby Lobby, through service or otherwise, a copy of the initial pleadings setting forth the claim for relief upon which such action or proceeding is based.

5.

Plaintiff is a citizen of the State of Georgia. (*See Complaint, ¶ 1*).

6.

Defendant Hobby Lobby is a foreign for-profit corporation organized and existing under the laws of the State of Oklahoma. (A true and correct copy of the 2020 Annual Registration filed by Defendant Hobby Lobby with the Georgia Secretary of State's office is attached hereto and made a part hereof as Exhibit "B"). According to the 2020 Annual Registration, Defendant Hobby Lobby's principal business address is located at 7707 SW 44<sup>th</sup> Street, Oklahoma City, Oklahoma 73179. Defendant Hobby Lobby may be served with process through its registered agent, Corporation Service Company, at 2 Sun Court, Suite 400, Peachtree Corners, Georgia 30092. (A true and correct copy of the 2021 Statement of Change of Address of Registered Office filed by Defendant Hobby Lobby with the Georgia Secretary of State's office is attached hereto and made a part hereof as Exhibit "C").

7.

Defendant Statesboro Crossing is a Foreign Limited Liability Company organized and existing under the laws of the State of Delaware. (A true and correct copy of the 2021 Annual Registration filed by Defendant Statesboro Crossing with the Georgia Secretary of State's office is attached hereto and made a part hereof as Exhibit "D"). According to the 2021 Annual Registration, Defendant Statesboro Crossing's principal business address is located at 5119 Magazine Street, New Orleans, Louisiana 70115. Defendant Statesboro Crossing may be served with process through its registered agent, Registered Agent Solutions, Inc., at 900 Old Roswell Lakes Parkway, Suite 310, Roswell, Georgia 30076. (Exhibit "D").

8.

Defendant has not yet been able to confirm the citizenship of each member of Statesboro Crossing Shopping Center, LLC. However, in any event, Defendant Statesboro Crossing Shopping Center, LLC is not a proper party to the suit and is pending dismissal via consent motion by the parties, which was filed on October 22, 2021. (A true and correct copy of the Consent Motion to Dismiss Less Than All Parties Without Prejudice, corresponding proposed Order, and receipt of filing is attached hereto and made a part hereof as Exhibit "E"). Defendant notes that while Statesboro Crossing Shopping Center, LLC has not consented to the removal, Defendant files this Notice of Removal as required by 28 U.S.C. § 1446(b)(1) based on the fact that Statesboro Crossing Shopping Center, LLC is pending dismissal from the suit by consent of all parties. (Exhibit "E").

9.

Plaintiff's Complaint alleges that she was injured after she slipped and fell on a small metal object at Defendant Hobby Lobby's store, located at 225 Henry Boulevard in Statesboro, Georgia.

(See Complaint, ¶¶ 16-17). Specifically, Plaintiff alleges that she suffered “personal injuries... [and] damages in excess of \$200,000 in past medical expenses and lost wages, in addition to past and future mental and physical pain and suffering, future medical expenses, and future lost wages” as a result of the subject incident. (See Complaint, ¶ 24).

8.

Given the nature of the damages alleged by Plaintiff in the Complaint, including, but not limited to, the allegation that she has incurred damages in excess of \$200,000 in past medical expenses and lost wages, the allegation that she has suffered personal injuries that will require future medical treatment, and the Complaint’s open-ended demand for damages to be proven at trial, the amount in controversy, exclusive of interest and costs, between Plaintiff and Defendants exceeds \$75,000.00.

9.

Based on the foregoing, this Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1332(a) and 1441 because (i) complete diversity exists between the named parties to this action, and (ii) the amount in controversy, according to Plaintiff’s Complaint, exceeds \$75,000.00.

10.

By service of a copy of this Notice of Removal, as evidenced by the Certificate of Service attached hereto, Defendants hereby give notice of such removal to Plaintiff as required by 28 U.S.C. § 1446.

11.

A true and correct copy of this Notice of Removal will be filed with the Clerk of the Superior Court of Bulloch County, Georgia as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendants pray that the above-captioned lawsuit be removed to the United States District Court for the Southern District of Georgia, Statesboro Division, that this Court take cognizance and jurisdiction over this claim from the Superior Court of Bulloch County, and that this action proceed as removed and under this Court's jurisdiction pursuant to 28 U.S.C. § 1332.

Respectfully submitted this 22nd day of October, 2021.

**DREW ECKL & FARNHAM, LLP**

*/s/Whitney Lay Greene* \_\_\_\_\_

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	)	
Defendants.	)	

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY, that I have this day filed the *NOTICE OF REMOVAL* with the Clerk of Court, using the CM/ECF system and served a copy of the foregoing upon Plaintiff via U.S. Mail, adequate postage prepaid, addressed as follows:

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*Attorneys for Plaintiff*

This 22nd day of October, 2021.

**DREW ECKL & FARNHAM, LLP**

/s/Whitney Lay Greene  
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